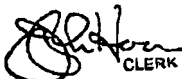


**FILED**  
DEC 23 2009

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK HOPKINS,

Defendant.

CR. 09-50034-01-KES

ORDER DENYING MOTION  
FOR PRESENTENCE  
RELEASE

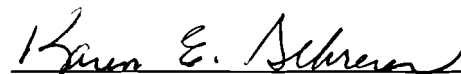
Defendant moves for a third reconsideration of presentence release. This is the third motion filed under basically the same grounds within a 16 day time period. The government opposes the motion.

The court previously found by clear and convincing evidence that defendant violated the alcohol related conditions of pretrial release. Subsequent to that finding, defendant entered a plea of guilty to a violent felony. Under these circumstance, the court does not believe that the 24/7 program is sufficient to protect the community. Because defendant violated the conditions of his pretrial release and has pleaded guilty to a violent felony, the court finds that defendant has not met his burden of proof to show by clear and convincing evidence that he is not a danger to another person or the community if released. As a result, pursuant to 18 U.S.C. § 3143(a), it is hereby

ORDERED that defendant's third motion for reconsideration of presentence release is denied.

Dated December 23, 2009.

BY THE COURT:



KAREN E. SCHREIER  
CHIEF JUDGE